

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE DESIGN PROFESSIONAL SERVICES AGREEMENT WITH BURGESS & NIPLE AND DECLARING AN EMERGENCY

WHEREAS, the Council of the Village of Windham has previously determined that the Windham water plant requires various improvements, including filters, softeners, potassium feed system, Cargill feed system, chlorine injector and pipe grades, all of which have previously been referred to as the W.W.T.P. Project; and

WHEREAS, in order to pay for the W.W.T.P. Project, the Village of Windham has applied for and received various grants; and

WHEREAS, an engineering firm is needed to provide required design professional services to the Village of Windham for the improvements of the W.W.T.P. Project; and

WHEREAS, the Council of the Village of Windham has previously authorized the Mayor and the Fiscal Officer to enter into a contract with the engineering firm of Burgess & Niple for the design professional services of the W.W.T.P. Project, which authority was granted in Resolution 2011-7; and

WHEREAS, since the approval of the Burgess & Niple contract in Resolution 2011-7, it has become necessary to have additional design work done to replace pumps in the water plant, which replacement is needed to meet contractual obligations to service new water customers later this year, specifically to be able to supply water the Portage County Resource Department which will ultimately service the Ravenna Arsenal; and

WHEREAS, the Council of the Village of Windham has determined that the need to acquire a design professional to establish replacement pumps in the water plant is a matter of eminent concern and of an emergency nature, necessary to meet the Village's contractual obligations.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Windham, County of Portage and State of Ohio, two thirds of the members thereto concurring that:

Section 1: The Mayor and the Fiscal Officer are hereby authorized to enter into an amendment to the contract with Burgess & Niple, initially authorized by Resolution 2011-7 for the design of additional professional design services for the W.W.T.P. Project, which amendment is in substantial conformity with the Exhibit attached hereto and marked for identification as Exhibit "B".

Section 2: This Resolution and action is declared to be an emergency measure to which Ohio Revised Code 153.71(B) applies. This is an emergency requiring immediate action for the reason that the revisions to the design of Village of Windham's water plant must be

advertised now so that the contracts to construct the work and have the improvements to the water plant are completed prior to the end of the summer 2011.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were accepted in an open meeting of this Council, and that deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Section 4: This Resolution is hereby declared to be an emergency measure, becoming effective immediately on passage by Council and approval by the Mayor, to protect the health, safety and general welfare of the Village, and for the further reason that the Village of Windham needs to have a design professional contract in place now to prepare the design needed in advance of the competitive bidding on improvements to the water treatment plant so that the W.W.T.P. Project can be accomplished by the end of summer 2011.

Passed in Council as an Emergency this 25th day of May, 2011.

Vote of Council: Ayes: Mr. Garrett, Mrs. Rininger, Mrs. Meszaros, Mrs. Barrett, Mrs. Miranda, Mr. Snyder. Nays: None.

Attest:

Approved:

Village Fiscal Officer, Lloyd Billman

Mayor, Robert Donham II

Approved as to Legal Form:

Solicitor, Thomas Reitz